

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
WDNC Civil Action No. 3:24-cv-844

ROBERT CARPENTER, JR.,

Plaintiff,

v.

STEAK N SHAKE INC.,

Defendant.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

Defendant, Steak N Shake Inc. (“Defendant”), by and through the undersigned counsel, respectfully removes Case No. 24-CVS-337, Robert Carpenter, Jr. v. Steak N Shake Inc. from the Superior Court of Anson County, North Carolina (“State Court Action”), to the United States District Court for the Western District of North Carolina. Defendant removes the State Court Action pursuant to 28 U.S.C. § 1332, § 1441, and § 1446, on the factual and legal grounds discussed below.

In support of this *Notice of Removal to Federal Court*, Defendant states as follows:

1. On August 23, 2024, Plaintiff filed a Complaint in the Superior Court of Anson County, North Carolina, styled *Robert Carpenter, Jr. v. Steak N Shake Inc.*, which matter was assigned Civil Action No. 24-CVS-337. Defendant was served on September 4, 2024.

2. Pursuant to 28 U.S.C. § 1446(a), a copy of all process and pleadings served upon Defendant are attached hereto as **Exhibit A**.

3. This notice is being filed within thirty (30) days of the latest date of service of the Summons and Complaint in this case on Defendant; accordingly, this Notice is timely filed pursuant to 28 U.S.C. § 1446(b). Defendant is represented by the undersigned counsel and Defendant consents to removal.

4. In the Complaint, Plaintiff alleges causes of action for negligence.

5. The United States District Court for the Western District of North Carolina, Charlotte Division, has original jurisdiction over the Superior Court Action pursuant to 28 U.S.C. §§ 1332(a), and it may be removed by Defendant pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1446 for the following reasons:

a. At the commencement of this action and at all relevant times, Plaintiff resided in Anson County, North Carolina.

b. At the commencement of this action and at all relevant times, Defendant was a corporation organized under the laws of the State of Indiana with its principal place of business in Indianapolis, Indiana.

c. The matter in controversy between Plaintiff and Defendant is one in which complete diversity of citizenship exists.

d. Defendant is filing this removal within 30 days after it was purportedly served with the Complaint.

e. Upon information and belief, while reserving all defenses and rights of Defendant to maintain otherwise in the defense of Plaintiff's claims, the amount in controversy between Plaintiff and Defendant in the action, exclusive of interests and costs, exceeds \$75,000.00.

6. The United States District Court for the Western District of North Carolina embraces the District in which the Superior Court Action is now pending: Anson County. Therefore, the undersigned hereby moves to remove this action from the aforesaid Superior Court of Anson County, North Carolina to the United States District Court for the Western District of North Carolina, Charlotte Division by filing this Notice of Removal.

7. Written notice of filing of this Notice of Removal will be served upon the adverse party in this action as required by law.

8. A copy of this Notice of Removal has been sent for filing with the Clerk of the Superior Court of Anson County, North Carolina, contemporaneously with the filing of this Notice of Removal, attached hereto as **Exhibit B**.

WHEREFORE, the Defendant, respectfully request and hereby gives notice that this action has been removed from the Superior Court of Anson County, North Carolina, to the United States District Court for the Western District of North Carolina, Charlotte Division, and request that this Court assume jurisdiction over this action and proceed to final determination thereof.

This the 19th day of September, 2024.

CRANFILL SUMNER LLP



BY:

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the attached *Notice of Removal to Federal Court* on all of the parties to this cause by:

- ☐ Depositing a copy hereof, postage prepaid, in the United States Mail, addressed to the attorney for each said party as follows:
- ☒ Via Electronic Mail addressed to the attorney for each said party as follows:

Cameron deBrun
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Attorney for Plaintiff

This the 19th day of September, 2024.

CRANFILL SUMNER LLP



BY: _____

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